

EXHIBIT 16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

----- X
METRO FUEL, LLC,

Plaintiff,

- against -

THE CITY OF NEW YORK,

Defendant.
----- X

No. 07 Civ. 8244 (PAC) (DF)

**DECLARATION OF
DAVID ASKEW**

DAVID ASKEW declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am Vice President for Sales and Marketing at Cemusa Inc. (“Cemusa”).
2. Cemusa designs, manufactures, installs and maintains street furniture – including bus shelters, newsstands, and public toilets – in New York City through a franchise agreement awarded in May 2006. Under the terms of the franchise agreement, Cemusa has the right to sell advertising space on the bus shelters, newsstands and public toilets in accordance with the controls set forth in the franchise agreement.
3. The advertising panels on Cemusa’s bus shelters are visible to both pedestrians and motorists. The advertising panels on the newsstands installed by Cemusa are also visible to both pedestrians and motorists. The advertising panels on Cemusa’s bus shelters and newsstands are marketed to advertisers as visible to both pedestrians and motorists (with the exception of the LCD screens installed on the outside panels of ten bus shelters, which are marketed as visible only to pedestrians).

4. In March 2007, the City approved a pilot program through which Cemusa was permitted to equip up to ten bus shelters with Bluetooth technology for advertising by the Discovery Channel (the "Discovery Pilot"). Bluetooth is a wireless communication system that transmits a signal to certain hand-held devices, such as cell phones, that are within relatively short distances from the transmitter.

5. In addition to the Discovery Pilot, at various times in 2007 and 2008, Cemusa installed Bluetooth technology on other shelters for other advertisers. In total, Bluetooth technology was installed in no more than ninety-six bus shelters at any one time (with no more than eighty-seven bus shelters having active Bluetooth technology at any one time). As of March 31, 2008, Cemusa discontinued its use of all Bluetooth advertising at the City's request and as a result of lack of advertiser demand.

6. As far as Cemusa is aware, the City did not, prior to March 19, 2008, audit the Discovery Pilot or otherwise require Cemusa to report on how many bus shelters had been equipped with Bluetooth technology.

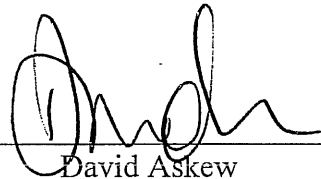
7. Prior to the City's approval of the Discovery Pilot, Cemusa discussed with Kerry Gould, then the Assistant Commissioner of the New York City Department of Transportation, the possible radius of the Bluetooth transmissions and it was agreed that the radius of the transmissions should include only the footprint of the bus shelter, or approximately fifteen feet.

8. Cemusa understood that the technology had the capacity to transmit Bluetooth content in a radius of up to twenty feet. However, Cemusa did not test and therefore does not know how far each Bluetooth transmission in fact traveled.

9. The City did not ask Cemusa to explain how the Bluetooth transmission would be limited to a 15-foot radius, nor was Cemusa asked to represent or certify that the Bluetooth transmissions were in fact limited to any particular radius.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: New York, New York
June 11, 2008



David Askew